IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO.852 OF 2004

M/s.Shilpa Caterers Pvt. Ltd. ... Appellant (Org.Plaintiff)

V/s.

National Airport Authority ... Respondents (Org.Defendants)

Mr.P.S. Dani for Appellant
Mr.G.S. Kulkarni for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 5, 2004**

P.C.:

. This Appeal from Order has been filed against the refusal of ad-interim orders by the trial Court. The trial Court has directed the defendants, the respondents herein, to file their reply on 30.9.2004. However, the defendants have not filed the same as yet. Considering the fact that the possession of the plaintiff of the suit premises is in question the plaintiff has sought temporary injunction. It appears that the plaintiff has obtained possession of the premises in order to run the canteen, pursuant to a contract entered into between the plaintiff and the defendants. They were in possession for 10 years as caterers. It appears that a fresh tender was called on 22.4.2004 wherein the plaintiff has participated

unsuccessfully. The contract was to run the canteen on the airport premises which has now been allotted to some other caterers. It appears that at the time when the contract was allotted to the plaintiff, they were put in vacant and peaceful possession and were permitted to construct certain structures.

2. Considering the judgments cited at the bar, I am of the view that ad-interim relief needs to be granted pending the Motion. However, the Motion will be disposed of expeditiously and in any event, by March 2005. This will not preclude the defendants from taking any action in accordance with law to obtain possession of the premises.

3. Appeal stands disposed of.

4. In view of the disposal of the Appeal, nothing survives in Civil Application No.1161 of 2004 and the same is disposed of accordingly.